

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COURTHOUSE NEWS SERVICE,

Plaintiff,

v.

AMANDA TOSTE, et al.,

Defendants.

Case No. 1:21-cv-01790-ADA-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE AMANDA
TOSTE AS A DEFENDANT IN THIS
ACTION

(ECF No. 31)

On March 1, 2023, the parties filed a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a) as to the dismissal of Defendant Amanda Toste, in her official capacity as court executive officer/clerk of the Merced County Superior Court. (ECF No. 31.) The dismissal of this Defendant is without prejudice. (Id.) The claims against the other named Defendants are not subject to the stipulation and will remain active. (Id.)

Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through a Rule 41(a)(1) notice.”); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal of all claims against one defendant, so that a defendant may be dismissed from the entire action.”). “Filing a

1 notice of voluntary dismissal with the court automatically terminates the action as to the
2 defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

3 Accordingly, the Clerk of the Court is DIRECTED to terminate Defendant Amanda Toste
4 as a defendant in this action.

5
6 IT IS SO ORDERED.

7 Dated: March 2, 2023


UNITED STATES MAGISTRATE JUDGE